THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.28404 of 2007

Between:

Mr.Mohd.Chand and another.

.. PETITIONERS

and

The Revenue Divisional Officer and others.

.. RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.28404 of 2007

ORDER:

Petitioners question the order passed by the 1st respondent under Section 54(3) of the Wakf Act, 1995, (for short "the Act") in proceedings No.H/230/2007, dated 17-11-2007, directing them to vacate wakf properties i.e., the lands admeasuring 216 sq. yards and 146 sq. yards bearing House Nos.17-3-433/47 and 17-3-433/47/A respectively situated at Yakutpura, Hyderabad.

Admittedly, against the order passed under Section 54(3) of the Act, the statutory remedy is available under Section 54(4) of the Act, to institute a suit in a Tribunal to establish right, title or interest in the land. Therefore, the disputed question of fact cannot be decided in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed with liberty to file suit before the Wakf Tribunal. There shall be no order as to costs.

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31-12-2007

Prv